

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOUNDS HAVING AFFINITY FOR THE GRANULOCYTE-COLONY STIMULATING FACTOR RECEPTOR (G-CSFR) AND ASSOCIATED USES, the specification of which

 X is attached hereto
 was filed on

and assigned Serial No. and was amended on _____.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with

which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than one year prior to this application.

I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below. I hereby claim benefit under Title 35, United States Code § 120 of any United States Patent application(s) listed below and, insofar as the subject matter of each of the claims of this application are not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Date of Filing (day/month/year)	Priority Claimed
		Yes ___ No ___

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Dianne E. Reed, Reg. No. 31,292
J. Elin Hartrum, Reg. No. 43,663
Mark A. Wilson, Reg. No. 43,275
Louis L. Wu, Reg. No. 44,413
Ofer I. Matalon, Reg. No. 39,439
Elaine C. Stracker, Reg. No. 43,166

Address all correspondence to Dianne E. Reed at:

REED & ASSOCIATES
3282 Alpine Road
Portola Valley, California 94028

Address all telephone calls to Dianne E. Reed at (650) 851-8501.

This appointment, including the right to delegate this appointment, shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Joint or Sole inventor:

Signature: _____ Date: _____

Full Name of Inventor: Steven E. Cwirla

Citizenship: United States of America

Residence: Menlo Park, California

Post Office Address: 1111 Hedge Road, Menlo Park, California 94025

Second Joint inventor:

Signature: _____ Date: _____
Full Name of Inventor: Palani Balu
Citizenship: United States of America
Residence: Cupertino, California
Post Office Address: 21856 Dolores Ave., Cupertino, California 95014

Third Joint inventor:

Signature: _____ Date: _____
Full Name of Inventor: David J. Duffin
Citizenship: United States of America
Residence: Overland Park, Kansas
Post Office Address: 6517 West 100th Terrace, Overland Park, Kansas 66212

Fourth Joint inventor:

Signature: _____ Date: _____
Full Name of Inventor: Sunila Piplani
Citizenship: United States of America
Residence: Mountain View, California
Post Office Address: 124 Promethean Way, Mountain View, California 94043

Fifth Joint inventor:

Signature: _____ Date: _____
Full Name of Inventor: Barbara McEowen Merrill
Citizenship: United States of America
Residence: Durham, North Carolina
Post Office Address: 7 Swallows Ridge Court, Durham, North Carolina 27713

Sixth Joint inventor:

Signature: _____ Date: _____
Full Name of Inventor: Peter Joseph Schatz
Citizenship: United States of America
Residence: Mountain View, California
Post Office Address: 2080 Marich Way, #15, Mountain View, California 94040

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, **Steven E. Cwirla**, 111 Hedge Road, Menlo Park, California 94025;
Palani Balu, 21856 Dolores Avenue, Cupertino, California 95014;
David J. Duffin, residing at 1920 Sprunt Avenue, Durham, North Carolina 27705;
Sunila Piplani, residing at 124 Promethean Way, Mountain View, California 94043;
Barbara McEowen Merrill, residing at 7 Swallows Ridge Court, Durham, North Carolina 27713
Peter J. Schatz, residing at 10949 Sycamore Drive, Cupertino, California 95014;

hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent, hereinafter referred to as said invention and improvements:

Title of the Invention: **COMPOUNDS HAVING AFFINITY FOR THE GRANULOCYTE-COLONY STIMULATING FACTOR RECEPTOR (G-CSFR) AND ASSOCIATED USES**

Filing date: JULY 20, 2000 Serial No.: 09/620,091 and;

WHEREAS, GLAXO WELLCOME INC., a corporation organized and existing under and by virtue of the laws of the State of North Carolina and having its principal place of business at Five Moore Drive, Research Triangle Park, North Carolina 27709, USA, is desirous of acquiring the whole right, title and interest in and to said invention and improvements and said application, and in and to any Letters Patent to be obtained therefor, in the United States, its territories and possessions; and;

WHEREAS, GLAXO GROUP LIMITED, a company incorporated in England, whose registered office is at Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex, UB6 0NN, UK, is desirous of acquiring the whole right, title and interest in and to said invention and improvements, and in and to any applications for said invention and improvements and any Letters Patent to be obtained therefor, in all countries other than the United States, its territories and possessions;

NOW, THEREFORE, to all whom it may concern, be it know that Assignors for good and valuable consideration, the receipt whereof is hereby acknowledged by Assignors, have sold, assigned and transferred, and by these presents do sell, assign and transfer Assignors whole right, title and interest in and to said invention and improvements to said GLAXO WELLCOME INC. throughout the United States of America, its territories and possessions, and in and to said application and any extensions, reissues, continuations, continuations-in-part, and any divisions thereof, and in and to any and all Letters Patent of the United States of America;

AND, Assignors whole right, title and interest in and to said invention and improvements to GLAXO GROUP LTD., in all other countries throughout the world, and in to any applications in said other countries, and continuations-in-part, patents of addition, revalidation patents, patents of importation, registrations, and any renewals, extensions and divisions thereof, and in and to any and all Letters Patent of said all other countries which may be granted on said invention and improvements including any priority rights under the International Convention.

AND, Assignors hereby authorize and request the issue of any Letters Patent in the respective areas referred to, to said GLAXO WELLCOME INC. or GLAXO GROUP LTD., as assignee of our whole right, title and interest in and to the same for the sole use and behoof of the said assignees, their successors and assigns as their interests appear herein;

AND, Assignors warrant that they have not knowingly conveyed to others any right in said invention, improvements, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing said invention and improvements and that Assignors have good right to assign the same to GLAXO WELLCOME INC. and GLAXO GROUP LTD.;

AND, Assignors for the consideration aforesaid, do hereby agree that Assignors executors or legal representatives, will provide information and make, execute and deliver any and all other instruments in writing, and any and all further acts, application papers, affidavits, assignments and other documents which may be necessary or desirable to more effectually secure to and vest in said GLAXO WELLCOME INC. and GLAXO GROUP LTD., their successors and assigns, the whole, right, title and interest in and to the said invention and improvements, applications, Letters Patent, rights, title and interest hereby sold, assigned and conveyed, or intended so to be.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.



Steven E. Cwirla

10/25/00

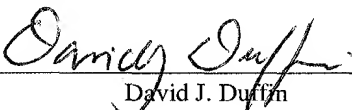
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Palani Balu

Oct 2 2000 -

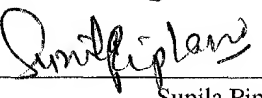
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David J. Duffin

9-20-00

date

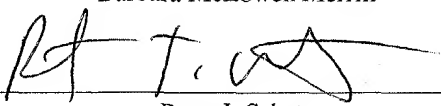


Sunila Piplani

10-5-00.

date

Barbara McEowen Merrill



Peter J. Schatz

date

10/6/00

date